

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN K. DEFELICE,)	
)	
Plaintiff,)	Civil Action No. 06-508
)	
v.)	Judge Fischer
)	Magistrate Judge Caiazza
J.D. BROWN and ROBERT DEPEW,)	
)	
Defendants.)	

ORDER

Brian K. DeFelice's ("DeFelice" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Courts on April 17, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 12, 2007, recommended that Defendants' Motion for Summary Judgment (Doc. 83) be granted. The parties were allowed ten days from the date of service to file objections. The Plaintiff's objections were due on or before April 30, 2007. A copy of the Report and Recommendation was sent to the Plaintiff by First Class United States Mail to SCI Camp Hill. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 11th day of May, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 16) is GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 24), dated April 12, 2007, is adopted as the opinion of the court.


Nora Barry Fischer
U.S. District Court Judge

cc:
BRIAN K. DEFELICE
GJ-3558
SCI Camp Hill
P. O. Box 200
Camp Hill, PA 17001-0200